

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SANTO LANZAFAME in his fiduciary capacity as :  
a Trustee of THE STONE SETTERS LOCAL 84 :  
PENSION FUND, ANNUITY FUND, VACATION :  
FUND, APPRENTICE FUND and INDUSTRY :  
PROMOTION FUND and as a Trustee of the :  
BRICKLAYERS LOCAL NO. 1 WELFARE AND :  
INSURANCE FUND and as President of the :  
BRICKLAYER AND ALLIED CRAFTWORKERS, :  
LOCAL UNION NO .1, NEW YORK, B.A.C.I.U :  
AFL-CIO, :  
: Civ. No. 07 Civ. 3351 (RWS)  
Plaintiffs, :  
:  
:  
v. :  
:  
:  
TRIBEC LTD., ADAM OTTAVINO and :  
JOHN or JANE DOE FIDUCIARY, :  
:  
Defendants. :  
-----X

The Defendant, TRIBEC, LTD., by its attorney, DAVID J. ARONSTAM, ESQ., as and  
for its Answer to the Complaint alleges as follows:

1. Defendant is without knowledge or information sufficient to form a belief as to  
the truth of the allegations contained in paragraphs 1, 2, 3, 4 5, 6, 8, 10, 13, 14, 15, 38, 39, 51, 52,  
53, 54, 55, 56, 57, 58, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101 and 102 of the  
Complaint.

2. Defendant denies each and every allegation contained in paragraphs 11, 12, 16,  
19, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 43, 44, 45, 46, 47, 48, 49, 50, 59, 50, 61, 62, 63, 64, 65,  
66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 103, 104,  
105, 106 and 107 of the Complaint.

3. With regard to paragraphs 20, 21, 22, 23, 24, 25, 26, 27, 40, 41 and 42 of the Complaint, Defendant is unable to admit or deny the allegations contained therein but respectfully refers the Court to the terms of the agreements and statutes referred to therein.

**FIRST AFFIRMATIVE DEFENSE**

4. The causes of action set forth in the Complaint fail to state claims upon which relief may be granted.

**SECOND AFFIRMATIVE DEFENSE**

5. The causes of action set forth in the Complaint are barred in whole or in part by the applicable statute of limitations.

**THIRD AFFIRMATIVE DEFENSE**

6. Plaintiffs have failed to comply with certain conditions precedent set forth in the collective bargaining agreements in question which are required in order to maintain these claims against Defendant in federal court.

**FOURTH AFFIRMATIVE DEFENSE**

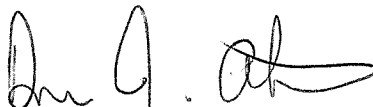
7. Defendant has fully paid all dues and benefits to the Plaintiffs as required by the collective bargaining agreements in question.

**FIFTH AFFIRMATIVE DEFENSE**

8. Plaintiffs have failed to comply with certain conditions precedent set forth in the applicable statutes which are required in order to maintain these claims against Defendant in federal court.

**WHEREFORE**, the Defendant demands judgment dismissing the Complaint in its entirety, the costs, disbursements and reasonable attorneys' fees of this action, together with such other and further relief as may be just and proper in the circumstances.

Dated: New York, New York  
January 22, 2008

A handwritten signature in black ink, appearing to read 'David J. Aronstam', written over a horizontal line.

DAVID J. ARONSTAM, ESQ. (DA 5163)  
192 Lexington Avenue, Suite 1202  
New York, New York 10016  
(212) 949-6210  
Attorney for Defendant

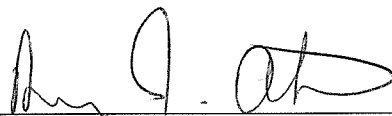
CERTIFICATE OF SERVICE

DAVID J. ARONSTAM, an attorney duly admitted to practice before the courts of New York State, affirms the following under the penalties of perjury: I am not a party to the action, am over 18 years of age and reside at New York, New York. On January 22, 2008, I served the DEFENDANTS' ANSWER on:

Carol G. Dell, Esq.  
Holm & O'Hara LLP  
Attorneys for Plaintiffs  
3 West 35<sup>th</sup> Street, 9<sup>th</sup> floor  
New York, New York 10001

by depositing a true copy thereof by first class mail enclosed in a post-paid wrapper in an official depository under the exclusive care and custody of the United States Postal Service within New York State.

Dated: New York, New York  
January 22, 2008

  
\_\_\_\_\_  
DAVID J. ARONSTAM